

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

In the Bankruptcy Matter of:

Eric C Thomas

Debtor

Bankruptcy No. 21-05531
Judge Jacqueline P. Cox
Chapter: 13

NOTICE OF MOTION

TO: Eric C Thomas, 8215 S. Elizabeth, Chicago, IL 60620
M.O. Marshall, 55 E. Monroe Street, Suite 3850, Chicago, IL 60603
David M Siegel, David M. Siegel & Associates, 790 Chaddick Drive, Wheeling, IL 60090
Patrick S Layng, Office of the U.S. Trustee, Region 11, 219 S Dearborn St, Room 873, Chicago, IL 60604

Please take notice on July 19, 2021 at 9:00 a.m., I shall appear before the Honorable Jacqueline P. Cox. **This motion will be presented and heard electronically using Zoom for Government.** No personal appearance in the court is necessary or permitted. To appear and be heard on the motion, you must do the following:

To appear by video, use this link: <https://zoomgov.com/>. Then enter the meeting ID and password.

To appear by telephone, call Zoom for Government at 1-669-254-5252 or 1-646-828-7666. Then enter the meeting ID and password.

Meeting ID and password. The meeting ID for this hearing is 1612732896 and the password is 778135. The meeting ID and password can also be found on the judge's page on the court's web site.

If you object to this motion and want it called on the presentment date above, you must file a Notice of Objection no later than two (2) business days before the date. If a Notice of Objection is timely filed, the motion will be called on presentment date. If no notice of Objection is timely filed, the court may grant the motion in advance without a hearing.

/s/ Josephine J. Miceli
Josephine J. Miceli, IL ARDC #6243494

CERTIFICATE OF SERVICE

I, Josephine J. Miceli, an attorney certify that I served the attached motion by mailing a copy to the Debtor at the address listed above by depositing the same in the U.S. mail, first class, postage prepaid at 230 W. Monroe St., Chicago, IL 60606 on or before 5:00 p.m. on July 6, 2021. The remaining parties were served by the CM/ECF electronic noticing system.

/s/ Josephine J. Miceli

Josephine J. Miceli, IL ARDC #6243494

Josephine J. Miceli
Johnson, Blumberg, & Associates, LLC
230 W. Monroe Street, Suite 1125
Chicago, Illinois 60606
Ph. 312-541-9710
Fax 312-541-9711

NOTICE:

THIS LAW FIRM IS ATTEMPTING TO COLLECT A DEBT AND ANY
INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

In the Bankruptcy Matter of:

Eric C Thomas

Debtor

Bankruptcy No. 21-05531
Judge Jacqueline P. Cox
Chapter: 13

MOTION FOR RELIEF FROM THE AUTOMATIC STAY

NOW COMES Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, not individually but as trustee for Premium Mortgage Acquisition Trust (hereinafter "Movant"), through its attorney, Josephine J. Miceli of Johnson, Blumberg & Associates, LLC, and states as follows:

1. The Movant, a party in interest, holds a Mortgage dated October 2, 1998 on the property located at 8735 South Winchester Avenue, Chicago, IL 60620, in the original amount of \$69,800.00. (A copy of the Note, Mortgage, Assignment and Loan Modification are attached as Exhibit A, B, C and D respectively and incorporated herein by reference).
2. The above-captioned Chapter 13 case was filed on April 27, 2021 and the Debtor's Plan has not yet been confirmed.
3. The proposed plan provides for the Debtor to be the disbursing agent for the post petition mortgage payments and the Chapter 13 Trustee to be disbursing agent for the pre-petition arrears.
4. As of July 1, 2021, the Debtor has failed to maintain post-petition payments thereby accruing a default of 3 payments from May 1, 2021 through July 1, 2021 for a post-petition arrearage total of \$1,970.49. A summary of the post-petition arrearage is as follows:

May 1, 2021 to July 1, 2021, 3 payments at \$ 656.83 each

5. The Movant adopts the facts set forth in the Statement of Default as additional allegations in support of this motion.
6. The Movant has no adequate protection in that the Debtor is in material default of the terms of the Plan by not making the required payments to the Movant and there is little or no equity in the property.
7. That should the Debtor wish to reinstate while under the jurisdiction of this Court, Movant requests to be reimbursed for the costs and attorney fees of filing this motion.
8. That Movant is entitled to relief pursuant to 11 U.S.C. 362(d).
9. The Movant requests waiver of 14 day stay provision of Bankruptcy Rule of Procedure 4001(a)(3).

WHEREFORE, Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, not individually but as trustee for Pretium Mortgage Acquisition Trust, prays for the entry of an order modifying, annulling or terminating the Automatic Stay instanter to allow foreclosure, eviction, or any other action with respect to the Movant protecting its rights in the subject property as the Court deems appropriate and for such other relief as the Court deems just.

/s/ Josephine J. Miceli

Josephine J. Miceli, ARDC #6243494

Attorney for Wilmington Savings Fund Society,
FSB, d/b/a Christiana Trust, not individually but
as trustee for Pretium Mortgage Acquisition Trust

Josephine J. Miceli
Johnson, Blumberg, & Associates, LLC
230 W. Monroe Street, Suite 1125
Chicago, Illinois 60606
Ph. 312-541-9710
Fax 312-541-9711

NOTICE:

THIS LAW FIRM IS ATTEMPTING TO COLLECT A DEBT AND ANY INFORMATION
OBTAINED WILL BE USED FOR THAT PURPOSE